

Exhibit A

Kaustuv Basu, *Camp Lejeune Legal Fees Under Fire as Veterans' Claims Spike*,
Bloomberg Law (Dec. 29, 2022)

Camp Lejeune Legal Fees Under Fire as Veterans' Claims Spike

By Kaustuv Basu

- CBO projects \$6.1 billion payout
- Sen. Sullivan seeks caps of 2-10%

Republican lawmakers in the next Congress plan to ramp up efforts to cap the attorney fees for claims filed over toxic water exposure at Camp Lejeune, which are likely to involve hundreds of thousands of veterans and their families.

Sen. Dan Sullivan (R-Alaska) tried unsuccessfully this month to add to the year-end omnibus package the measure (S.5130) he introduced in November that would limit attorney fees in such claims to 10% or less of the payout. He and other supporters are expected to push the proposal again when the new Congress takes office in January, an aide said.

"US Marines and their families are being preyed upon by unscrupulous trial lawyers," Sullivan said during a Senate floor debate last month.

The move to limit fees stems from what could be an unprecedented tide of claims from veterans and their relatives who served or lived on the North Carolina base and training ground for Marines. Under the Promise to Address Comprehensive Toxics Act signed by President Joe Biden in August, veterans can seek damages if they were exposed for at least 30 days to contaminated water at the camp between August 1953 and December 1987.

The Department of Veterans Affairs estimated in 2017 that about 1 million veterans were potentially affected by the tainted water. The Congressional Budget Office, an economic scorekeeper for Congress, estimates the claims will cost the government about \$6.1 billion over 10 years.

About 15,000 Camp Lejeune disability claims have been filed with the Department of the Navy since the law was enacted, a Navy spokesperson said this week. The government has six months from the date of filing to adjudicate each claim. After that, veterans unsatisfied with the outcome have the option to file a lawsuit in the Eastern District of North Carolina. All lawsuits must be filed by Aug. 10, 2024.

The law has unleashed a barrage of advertising as lawyers jockey for clients.

Firms spent more than \$100 million on local and national television advertising in search of Camp Lejeune clients from Jan. 1 through Dec. 15, said Matt Webb, senior vice president of legal reform policy at the US Chamber of Commerce.

"The law was changed to make it much easier for these cases to go forward," Webb said. "There's very little risk for the attorneys involved."

'In Excess of 40%'

Sullivan and others assert some attorneys are demanding excessively high percentages of any payouts they help obtain, even though the cases are easier than most to litigate because the law restricts the government from mounting a traditional defense in court.

"We've certainly heard reports of firms charging in excess of 40% or 50%," Lawrence Montreuil, the legislative director for the American Legion, told Bloomberg Law. Some plaintiffs' lawyers have also failed to tell veterans that their settlements could be smaller if they had already received benefits related to their health problems from the VA, or through Medicare and Medicaid, he said.

A Camp Lejeune veteran told Bloomberg Law that one Baltimore law firm said its fees would be 40% of his settlement or award. Lawyers would also charge him for paperwork, filing fees and travel expenses, said the veteran, who lived at the base for about seven years between 1978 and 1987 and spoke on the condition of anonymity because he was still hoping to find an attorney to represent him.

Sullivan's proposal calls for capping attorney fees at 10% in cases that had been filed before Congress passed the measure in August, and at 2% for claims filed since then.

Sen. Dick Durbin (D-Ill.), a former trial lawyer who heads the Senate Judiciary Committee, wants a higher limit. He noted that no competent attorney would take a case with a 2% cap on fees, as lawyers typically collect a third of any settlement amount.

Durbin said he will work with Sullivan on a compromise.

Protecting Veterans

The Marine Corps found in 1982 that drinking water from two of the eight water treatment plants at the base contained certain volatile organic compounds, meaning that exposure could potentially cause various kinds of cancer and cardiac defects. But the fight to get the government to acknowledge and address the impact on veterans took decades.

Advocacy groups are now trying to help claimants navigate the potentially murky legal waters.

Patrick Murray, the legislative director for the VFW, said some firms see the veterans as "cash cows" so the VFW has teamed with Bergmann & Moore LLC, a law firm in Rockville, Md. that specializes in veteran disability benefits, to help those filing Camp Lejeune claims. The VFW also recommends another Maryland firm, Baird Mandalas Brockstedt Federico & Cardea.

In a news release announcing the partnerships, the VFW urged its members “to avoid predatory law firms advertising endlessly on television and other media.”

The leader of the American Association for Justice, the primary lobby for trial lawyers, said his group had long supported veterans in their bid to get Congress to recognize and act on the tainted base water, and that Sullivan’s proposal to cap fees would undermine the intent of the law.

“The draconian caps he has proposed will eliminate the ability of lawyers to take on these cases, leaving veterans with no good options for legal help,” AAJ President Tad Thomas said in a statement.

To contact the reporter on this story: Kaustuv Basu in Washington at kbasu@bloombergtax.com

To contact the editors responsible for this story: Bernie Kohn at bkohn@bloomberglaw.com; John P. Martin at jmartin@bloombergindustry.com; Brian Flood at bflood@bloomberglaw.com

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